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10 Bankruptcy Estate of Deborah Cassandra Allen

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

In Re:

ANKA BEHAVIORAL HEALTH, INC.,

Debtor.

Case No. 19-41025 WJL

Chapter 7

RS No. AIN-002

**STATUS RE: MOTION FOR RELIEF
FROM THE AUTOMATIC STAY UNDER
11 U.S.C. § 362 AND REQUEST FOR
CONTINUANCE OF HEARING**

Date: February 19, 2020

Time: 9:30 am

Location: 1300 Clay Street

Courtroom 220

Oakland, CA 94612

Judge: Honorable William J. Lafferty

TO: THE HONORABLE WILLIAM J. LAFFERTY:

Larry D. Simons, the Chapter 7 Trustee ("Simons" or "Movant") of the bankruptcy estate of Deborah Cassandra Allen ("Allen"), a creditor of Debtor, Anka Behavioral Health, Inc. ("Debtor" or "ANKA") provides the following status regarding its Motion for Relief from the Automatic Stay ("Motion") currently set for hearing on February 19, 2020.

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1 BACKGROUND

2 As the Court may recall, although the Debtor's counsel initially filed a Statement of Non-
3 Opposition, counsel for the Creditors' Committee appeared at the initial hearing opposing Simons'
4 Motion asserting that he had been advised by Debtor's insurance coverage counsel that the D&O
5 policy applicable to Allen's claim was the same policy out of which other creditors' claims would be
6 pursued. This was based on the conclusion that the D&O policy had been extended rather than
7 renewed, and therefore was not a new policy, and Allen's claim should be grouped with all potential
8 claims to the policy. The Chapter 7 Trustee of the ANKA estate has taken the same position.

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10 REQUEST FOR CONTINUANCE

11 Certain documentation has been provided to Movant, but he is still evaluating the matter.
12 Further, counsel for the Chapter 7 Trustee is currently investigating claims against the D&O policy
13 that were made under the policy that he says is applicable to the Allen claim, and believes that the
14 Trustee will have a better idea in May or June of 2020 which claims he will pursue and possible
15 damages the estate may seek. The Movant and the Chapter 7 Trustee of the ANKA estate have
16 decided it would be prudent to continue this hearing to allow the Trustee of the ANKA estate to
17 evaluate the estate's claims, and both parties request that the hearing be continued to late May or
18 early June.

19 Counsel for Movant has a hearing he will be attending Wednesday morning at 8:30 a.m.
20 before the Honorable Sandra Klein in the Central District of California Bankruptcy Court. This 8:30
21 a.m. hearing was not scheduled at the time of scheduling the continued hearing in this case, as the
22 subject bankruptcy case in the Central District was just recently filed on January 29, 2020. Counsel
23 will request priority for the 8:30 a.m. hearing and barring an unexpected occurrence, fully expects to

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1 be on court call for the 9:30 a.m. hearing tomorrow. In the event the hearing goes past 9:30 a.m.,
2 counsel for Movant will attempt to have someone from his office notify this Court's clerk. Counsel
3 have discussed continued dates, and counsel for the ANKA Trustee has Movant's counsel's consent
4 to request a continued date.

5 DATED: February 18, 2020

6 MIRMAN, BUBMAN & NAHMIAS, LLP

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8 By:

9 SCOTT H. NOSKIN

10 Attorneys for Larry D. Simons, Chapter 7 Trustee of the
11 Bankruptcy Estate of Deborah Cassandra Allen